

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendments to Parts 73 and 90)
Of the Commission's Rules)
To Authorize the Transmission)
Of Emergency Signals on Channel 200)

RM-9719 RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Reply Comments of the
National Association of Broadcasters

The National Association of Broadcasters ("NAB")¹ submits these reply comments in the above captioned Petition for Rulemaking ("Petition")² proceeding. NAB remains opposed to the proposed allocation of Channel 200 for an Emergency Radio Data System ("ERDS") as proposed by the Petitioner. In our Comments submitted on October 14, 1999, NAB questioned the necessity of an ERDS-type system, and identified the likelihood of endangering TV Channel 6 and FM stations operating on 88.1 MHz with harmful interference resulting from a system operating on Channel 200. We continue to oppose the allocation of Channel 200 on two additional grounds. First, that the possible allocation has met with universal alarm in the industry due to concerns of interference, and additionally that the Commission has already made

¹ NAB is a non-profit, incorporated association of radio and television stations and broadcast networks which serves and represents the American Broadcasting industry.

² In the matter of Amendments to Parts 73 and 90 of the Commission's Rules to Authorize the Transmission of Emergency Signals on Channel 200, RM-9719, placed on Public Notice on September 14, 1999.

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spectrum allocations for safety alert systems similar to ERDS. *See Report and Order* in ET Docket No. 98-95, released October 22, 1999.

While disseminating public safety information is a laudable goal, there is intense concern among broadcasters over the use of Channel 200 for fear of interference endangering TV Channel 6 and FM stations operating on 88.1 MHz. Among the numerous comments submitted in opposition to the ERDS proceeding, two in particular – KHQ-TV, Channel 6 in Spokane Washington, and National Public Radio, Inc. – articulate key points. KHQ-TV notes that the potential for interference from ERDS to Channel 6 is, "inescapable," and "actual," and that television audio signals would be specifically susceptible to interference from ERDS operations on Channel 200. Comments of KHQ-TV in RM-9719 at 2 (filed October 15, 1999). National Public Radio points out that the ERDS receivers have not undergone field testing under a broad range of real world conditions, and even based on limited testing ERDS has conceded that the system would in fact interfere with many full service broadcast stations on Channels 201 and 202. Comments of National Public Radio Inc. in RM-9719 at 4 – 5 (filed October 14, 1999). These interference concerns cannot be ignored; thus, the Commission should deny the petition due to the lack of evidence that interference will not result.

Further, the proposed ERDS service is not necessary because the Commission recently allocated 75 megahertz of spectrum (5.850-5.925 GHz band) for a remarkably similar objective. *See Report and Order* in ET Docket No. 98-95 (released October 22, 1999). In that *Order*, the Commission made such an allocation to improve highway safety and efficiency as a part of the Department of Transportation's "Intelligent Transportation Systems" (ITS) program. This endeavor utilizes Dedicated Short Range Communications (DSRC) which provide a short range, wireless link to transfer information between vehicles and roadside vehicles. *Id.* ¶ 1. Current

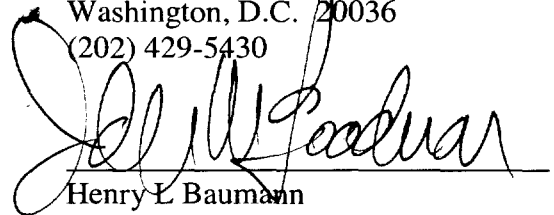
DSRC applications include electronic payment services and commercial vehicle electronic clearance, but other emerging services achieve the same objectives as the Federal Signal proposal. *See id.* at Appendix B. Among these new services, there is the possibility of having an Emergency Vehicle Signal Preemption where such vehicles are given priority at traffic signals and En-route Driver Information where drivers will have real-time advisories about traffic conditions, accidents, construction and transit schedules. *Id.* These two applications mirror the objectives of the Federal Signal petition without having to reallocate additional spectrum. There is no need to provide duplicative services by moving forward with the instant petition.

NAB again urges the Commission to look to the likelihood of interference and availability of the 5.850-5.925 GHZ band for services like ERDS instead of unnecessarily allocating Channel 200 for such purposes.

Respectfully Submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**

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A large, stylized handwritten signature in black ink, which appears to read "Henry L. Baumann", is written over a horizontal line.

Henry L. Baumann
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NAB Law Clerk

November 8, 1999

CERTIFICATE OF SERVICE

I, Angela Barber, Legal Secretary for the National Association of Broadcasters, hereby certifies that a true and correct copy of the foregoing Comments of the National Association of Broadcasters was sent this 8th day of November, 1999, by first-class mail, postage prepaid, to the following:

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